IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 23147 of 2004

Between:

M/s Sai Filling Station, rep by its Manager A.Mahesh,
S/o.Lakshmaiah, Highway Road, Narketpally, Nalgonda.

..... PETITIONER

AND

1 The Joint Collector, Nalgonda.
2 The District Inspector of Legal Metrology Weights and

Measures Department, Nalgonda.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ order or direction more particularly in the nature of writ of Mandamus declaring the Proceedings Vide Case No.129/DILM-Ngl of 2004 on the file of the 1st respondent herein initiated against the petitioner herein under Provisions of MS and HSD (RS & D) Prevention of Malpractice Order 1998 read with Section 6-A of Essential Commodities Act 1955 is arbitrary illegal capricious and falsely foisted against the petitioner herein and consequently direct the respondent herein to drop the same as not maintainable.

Counsel for the Petitioner : MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER :

The Inspector of Legal Metrology, Nalgonda District, inspected the petitioner's Petroleum Outlet on 9-12-2004 and sent a report to the first respondent. Even before the proceedings could be initiated under Section 6A of the Essential Commodities Act, 1955 (for brevity 'the Act') the present writ petition is filed questioning the proceedings in Case No.129/DILM/NLG/04 on the file of the first respondent. Curiously, a copy of the said proceedings is not annexed to the writ petition. Be that as it is, the writ petition was admitted on 20-12-2004 and by order of even date made in W.P.M.P.No.30367 of 2004 this Court passed interim orders directing the respondents to permit the petitioner to run the business pending finalisation of the proceedings.

Learned counsel for the petitioner is not able to say whether the proceedings under Section 6A of the Act are completed before the first respondent or not. Therefore, instead of keeping the writ petition pending, it would be appropriate to dispose of the writ petition giving liberty to the petitioner to raise all his objections before the first respondent. The first respondent is directed to dispose of the proceedings under Section 6A of the Act in Case No.129/DILM/NLG/04 within a period of four weeks from the date of receipt of a copy of this order, if not already completed.

The writ petition is accordingly disposed of. No costs.

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(V.V.S. RAO, J.)

15-06-2005.

Msr.

To

1 The Joint Collector, Nalgonda.
2 The District Inspector of Legal Metrology, Weights and

Measures Department, Nalgonda.

3 2 CCs to Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad.

4 2 CD copies.

HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No.23147 of 2004

15-06-2005

(Msr)